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**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

JAMES ARNETT,

Plaintiff,

vs.

BENJAMIN SNOW HOWARD, LIFELINE  
MEDIA LLC, a Texas entity, NATIONWIDE  
AFFORDABLE HOUSING, a Texas  
corporation, and the BEN HOWARD TRUST,  
an IDAHO TRUST,

Defendants.

**CASE NO. CV-12-0311-TUC-DTF**

**OBJECTION TO AND MOTION TO  
STRIKE PLAINTIFF'S "MOTION TO  
FILE PRIMA FACIE EVIDENCE ON  
DISC"**

**(Assigned to Magistrate Judge D.  
Thomas Ferraro)**

Defendants Benjamin Snow Howard ("Howard"), Lifeline Media LLC ("Lifeline"), Nationwide Affordable Housing ("NAH"), and the Ben Howard Trust ("the Trust") object to and request that the Court strike Plaintiff's "Motion to File Prima Facie Evidence on Disc." Defendants' motion is based on Rule 7.2(m)(1) of the Local Rules of Civil Procedure—specifically that Plaintiff's Motion is not authorized by any statute, rule, or Court order. Plaintiff's Motion seeks to introduce evidence to the Court at an inappropriate

1 time and in the wrong manner. The Court is not a repository for Plaintiff's evidence,  
2 especially at the motion to dismiss stage of the litigation. "[P]ro se litigants are not excused  
3 from following court rules." *Briones v. Riviera Hotel & Casino*, 116 F.3d 379, 382 (9th Cir.  
4 1997).

5 For these reasons, Defendants request that the Court either deny or strike Plaintiff's  
6 Motion.  
7

8 RESPECTFULLY SUBMITTED this 25<sup>th</sup> day of October, 2012.

9 **DAVIS MILES MCGUIRE GARDNER, PLLC**

10  
11 By /s/ Scott F. Gibson  
12 Scott F. Gibson  
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15 *Attorneys for Defendants*  
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CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2012, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing, mailed a copy via regular U.S. mail to the following, and transmitted a Notice of Electronic Filing to the following CM/ECF participants:

Magistrate Judge D. Thomas Ferraro  
United States District Court  
Evo A. DeConcini U.S. Courthouse  
405 West Congress Street, Suite 6660  
Tucson, AZ 85701

James Arnett  
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*Plaintiff Pro Per*

/s/ Annette T. Hernandez